

REMARKS

This Amendment is being filed in response to the Office Action mailed December 1, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-4 and 6-10 have been amended for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1-4 and 6-10 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that the title of the invention was not sufficiently descriptive, and required a new

title. In response, the current title has been deleted and substituted with a new title in accordance with the Examiner's suggestion.

In the Office Action, claims 11-13 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Further, claims 12-13 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 11-13 have been cancelled without prejudice. The cancellation of claims 11-13 renders moot these rejections under U.S.C. §112, second paragraph and 35 U.S.C. §101. Applicant furthermore reserved the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Final Office Action, claims 1-2, 4, 8-9 and 11-13 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0104849 (Arimitsu). Further, claims 3 and 5-7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Arimitsu in view of U.S. Patent Application Publication No. 2003/0144042 (Weinfield). Claim 10 is

rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Arimitsu in view U.S. Patent No. 6,339,713 (Hansson). It is respectfully submitted that claims 1-4, 6-10 and 14-20 are patentable over Arimitsu, Weinfield and Hansson for at least the following reasons.

Arimitsu is directed to a CDMA mobile terminal that includes a controller 14 and a battery voltage detector 18, shown in FIG 1. The controller 14 compares a signal received from the battery voltage detector 18 with a threshold voltage to determine the amount of power that remains in a battery 17, as recited in paragraph [0030]. The Arimitsu CDMA phone also includes a frequency monitor 19 for controlling the phone scan rate according to a command from the controller 14.

As correctly noted by the Examiner in rejecting claim 5, Arimitsu does not teach or suggest that the radio function is associated with determining the location of the radio device. Weinfield is cited in an attempt to remedy this deficiency in Arimitsu.

Weinfield is directed to a mobile station that provides to a network certain information, such as its position information and

battery capacity. Based on the information received from the mobile station, the network determines the battery and emergency state of the mobile station. Based on the determined battery and emergency state of the mobile station, the network adjusts the rate of position reports transmitted by the mobile station. Thus, in Weinfield, it is the network that adjusts the rate of position information transmission by the mobile station.

It is respectfully submitted that the combination of Arimitsu and Weinfield merely teaches a CDMA phone that changes its scan rate according to a command from the phone controller, and changes its rate of position information transmission in response to a command from the network.

It respectfully submitted that Arimitsu and Weinfield, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 4 and 17 which, amongst other patentable features, requires (illustrative emphasis provided) :

where the battery capacity is less than a pre-determined amount, maintaining the radio function by the [battery powered] radio device according to a second operating mode in place of the first operating mode, wherein the second operating mode has a reduced

rate of power consumption in relation to the radio function compared to the first operating mode, and wherein the radio function is associated with determining a location of the radio device.

A mobile device that, autonomously or by itself, maintains transmission of is location at a reduced rate is nowhere taught or suggested in Arimitsu, Weinfield, and combination thereof. Rather, any mobile device location information is reduced in response to command from the network. Hansson is cited to allegedly show other features and does not remedy the deficiencies in Arimitsu and Weinfield.

Accordingly, it is respectfully submitted that independent claims 1, 4 and 17 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 6-10, 14-16 and 18-20 should also be allowed at least based on their dependence from amended independent claims 1, 4 and 17.

Claims 7, 16 and 18 also include patentable features, since Arimitsu, Weinfield, Hansson, and combinations thereof do not teach or suggest a remote controller (as recited in claims 7, 16 and 18), let alone a remote controller configured to control a television an

audio system (as recited in claim 18).

It is respectfully submitted that paragraph [0045] of Arimitsu, noted on page 8 of the Office Action in rejecting claim 7, merely teaches a mobile terminal that receives a command from the network to receive signals. Thus, if there is any remote control, then it is the network which is controlling the mobile device. A network that controls a mobile station teaches away from a mobile or battery powered device or handset that controls other devices, such as television or audio system, for example.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT

Serial No. 10/564,918

Amendment in Reply to Office Action mailed on December 1, 2006

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
February 19, 2007

Enclosure: New Abstract

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101